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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN THE MATTER OF THE SEARCH OF:
5241 LINCOLN AVENUE, #B6,
13 CYPRESS, CALIFORNIA 90630

No. 8:18-MJ-00557

GOVERNMENT'S EX PARTE APPLICATION
FOR SECOND EXTENSION OF TIME
WITHIN WHICH TO RETAIN AND SEARCH
DIGITAL DEVICE; DECLARATION OF
JAKE D. NARE

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17 The United States of America, by and through its counsel of
18 record, Assistant United States Attorney Jake D. Nare, hereby applies
19 for an order extending by 120 days the time within which the
20 government may retain and search digital devices seized pursuant to a
21 federal search warrant.

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DECLARATION OF JAKE D. NARE

I, Jake D. Nare, hereby declare and state:

1. I am an Assistant United States Attorney assigned to this investigation for United States Attorney's Office for the Central District of California.

2. This declaration is made in support of a request for an order permitting the government to retain and search, pursuant to the terms of the original warrant in this matter, for an additional 120 days, the following digital device seized pursuant to the warrant described below (the "SUBJECT DIGITAL DEVICE"): ACER Laptop Computer with serial number NXMG7AA00644100B417200.

3. On October 29, 2018, SA David Aspling of the Food and Drug Administration, Office of Criminal Investigations ("FDA OIC") obtained a federal search warrant issued by the Honorable Douglas F. McCormick, United States Magistrate Judge, authorizing the search of 5241 Lincoln Avenue, #B6, Cypress, California 90630 (the "SUBJECT PREMISES"). The warrant, which is incorporated herein by reference, authorized the seizure of digital devices from the SUBJECT PREMISES for a period of 120 days from the date of the execution of the warrant, to allow the government to search such devices for evidence of violations of 21 U.S.C. § 331(a) (Introduction or Delivery for Introduction of a Misbranded Drug into Interstate Commerce); 21 U.S.C. § 331(d) (Introduction or Delivery for Introduction of an Unapproved New Drug into Interstate Commerce); 18 U.S.C. § 542 (Entry of Goods By False Statements); 18 U.S.C. § 545 (Smuggling Goods into the United States); 18 U.S.C. § 1001 (False Statements); and 18 U.S.C. § 371 (Conspiracy).

1 4. On October 31, 2018, federal agents executed the warrant
2 and seized the SUBJECT DIGITAL DEVICE.

3 5. This is the second request for an extension. The current
4 deadline by which the government must complete its review of the
5 SUBJECT DIGITAL DEVICE is June 28, 2019.

6 6. Based on information provided to me by agents assigned to
7 this matter, I understand that the SUBJECT DEVICE has been imaged and
8 turned over to an FDA OCI digital forensic examiner for examination
9 and is currently in the process of being examined.

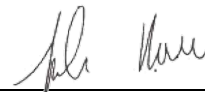
10 7. For the following reasons, the government is requesting an
11 additional 120 days to complete its review of the SUBJECT DIGITAL
12 DEVICE:

13 a. The forensic review of digital devices is time
14 consuming. Agents cannot simply turn on computers and review their
15 contents because merely turning on a computer and reviewing its
16 contents changes the data on the computer. Specialized computer
17 software is therefore needed to ensure that evidence remains in a
18 pristine and usable condition, and is not affected by the review
19 process. The review also must be conducted by agents who have
20 received specialized training to ensure that the review is done
21 thoroughly and in a forensically sound fashion. This process takes
22 substantial time.

23 b. The SUBJECT DIGITAL DEVICE contains approximately 500
24 gigabytes of information. Based on my training and experience, I
25 know that one gigabyte could hold the contents of about ten yards of
26 books on a shelf. One hundred gigabytes could hold an entire library
27 floor of academic journals.

1 c. FDA OCI has a limited number of digital forensic
2 examiners, including only one digital forensic examiner assigned to
3 the Los Angeles Field Office. This has created a backlog of other
4 devices to review. During the previous 120 day period of review, the
5 forensic examiner was assigned several other search warrants that
6 were urgent and inhibited her ability to work on this investigation.
7 In order to address the substantial amount of digital devices seized
8 in this investigation,¹ the Los Angeles Field Office of the FDA -
9 Office of Criminal Investigations has hired an independent
10 contractor. The contractor has begun the review process, but due to
11 the voluminous data that was seized, additional time is needed to
12 complete the examination. I declare under penalty of perjury under
13 the laws of the United States of America that the foregoing is true
14 and correct.

15 DATED: June 26, 2019

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17 JAKE D. NARE

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27 ¹ On October 29, 2018, SA Aspling obtained seven search warrants
28 related to this investigation. See 18-MJ-554; 18-MJ-555, 18-MJ-556;
18-MJ-557; 18-MJ-558; 18-MJ-559; and 18-MJ-560. During the execution
of the search warrants, a total of 36 digital devices were seized and
are currently in the process of being examined.